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11/17/2008

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 11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**  
 13 **SAN JOSE DIVISION**

14 GRATEFUL DEAD PRODUCTIONS, a )  
 15 California corporation, CADESTANSÀ LLC, a )  
 16 limited liability company on behalf of CARLOS )  
 17 SANTANA, an individual, JIMMY PAGE, an )  
 18 individual, ROBERT PLANT, an individual, )  
 19 JOHN PAUL JONES, an individual, )  
 20 RAYMOND MANZAREK, an individual, )  
 ROBBY KRIEGER, an individual, JOHN )  
 DENSMORE, an individual, PEARL )  
 COURSON, an individual, and GEORGE )  
 MORRISON, an individual, FANTALITY )  
 21 CORP., a Colorado corporation, SONY BMG )  
 MUSIC ENTERTAINMENT, a Delaware )  
 22 general partnership, BMG MUSIC, a New York )  
 partnership, and ARISTA RECORDS, a )  
 23 Delaware LLC,

24 Plaintiffs,

25 vs.

26 WILLIAM E. SAGAN, an individual, )  
 27 NORTON LLC, a limited liability company, )  
 and BILL GRAHAM ARCHIVES LLC, d/b/a )  
 WOLFGANG'S VAULT, a limited liability )  
 company,

28 Defendants,

Case No. 06-07727 (JW PVT)

**STIPULATION OF DISMISSAL OF  
 COUNTERCLAIM DEFENDANT  
 FANTALITY CORP. AS TO CERTAIN  
 COUNTERCLAIMS**

Date: None  
 Time: None  
 Ctrm: 8  
 Judge: Honorable James Ware

First Amended Complaint Filed:  
 February 5, 2007

NORTON LLC, a limited liability company,  
 BILL GRAHAM ARCHIVES LLC, d/b/a  
 WOLFGANG'S VAULT, a limited liability  
 company, and WILLIAM E. SAGAN, an  
 individual,

## Defendants,

GRATEFUL DEAD PRODUCTIONS, a California corporation, CADESTANSÀ LLC, a limited liability company on behalf of CARLOS SANTANA, an individual, JIMMY PAGE, an individual, ROBERT PLANT, an individual, JOHN PAUL JONES, an individual, RAYMOND MANZAREK, an individual, ROBBY KRIEGER, an individual, JOHN DENSMORE, an individual, PEARL COURSON, an individual, GEORGE MORRISON, an individual, FANTALITY CORP., a Colorado corporation, SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership, BMG MUSIC, a New York partnership, and ARISTA RECORDS, a Delaware LLC, ROBERT WEIR, an individual, WARNER MUSIC GROUP CORP., a Delaware corporation, RHINO ENTERTAINMENT, its subsidiary, and BRAVADO INTERNATIONAL GROUP, INC., a California corporation,

#### Counterclaim Defendants

WHEREAS, plaintiff and counterclaim defendant Fantality Corp. ("Plaintiff" or "Counterclaim Defendant") and defendants and counterclaimants Norton LLC, Bill Graham Archives, LLC d/b/a Wolfgang's Vault, and William E. Sagan (collectively "Defendants" or "Counterclaimants"), have entered into a confidential settlement agreement to resolve Counterclaimants' Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Counterclaims as against Counterclaim Defendant, and Counterclaimants' First Counterclaim as against Counterclaim Defendant, solely to the extent that the First Counterclaim relates to subjects other than the parties' rights and obligations regarding sound recordings asserted in Defendants' Answer to Second Amended Complaint and First Amended Counterclaims, on the terms and conditions set forth in their agreement:

NOW THEREFORE, IT IS HEREBY STIPULATED, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, by and among the parties hereto, through their respective counsel, that Counterclaimants' Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Counterclaims shall be dismissed in their entirety with prejudice as against Counterclaim Defendant, and Counterclaimants' First Counterclaim shall be dismissed with prejudice as against

1 Counterclaim Defendant solely to the extent that the First Counterclaim relates to subjects other than  
2 the parties' rights and obligations regarding sound recordings asserted in Defendants' Answer to  
3 Second Amended Complaint and First Amended Counterclaims, each party to bear its own costs and  
4 expenses, including attorneys' fees, as to the dismissed Counterclaims.

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6 Dated: October 20, 2008

WINSTON & STRAWN LLP

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8 By: Michael Elkin PLC  
9 Michael S. Elkin  
10 Thomas P. Lane  
11 Rebecca Lawlor Calkins  
12 Erin Ranahan  
13 Attorneys for Defendants/Counterclaimants

14 Dated: October 20, 2008

15 GIBSON DUNN & CRUTCHER LLP

16 By: S. Ashlie Beringer /JR  
17 Jeffrey Reeves  
Cynthia Arato  
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